

LABOUR DEPARTMENT

The 19th November, 1979

No. 11(112)-3Lab.-79/13048.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Sidwal Refrigeration Industries Pvt. Ltd., Sector-6, Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA FARIDABAD.

Reference No. 573 of 1978

between

SHRI G. S. GUPTA, WORKMAN AND
THE MANAGEMENT OF M/S.
SIDWAL REFRIGERATION INDUS-
TRIES PVT. LTD., SECTOR-6,
FARIDABAD.

Present:—

Workman, in person.

Shri S. L. Gupta, for the manage-
ment.

AWARD

By order No. FD/77/54867, dated 7th December, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Sidwal Refrigeration Industries Pvt. Ltd., Sector-6, Faridabad and its workman Shri G. S. Gupta, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri G. S. Gupta was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties, who appeared and filed their pleadings. From the pleadings of the parties, following issues were framed on 5th July, 1979:—

1. Whether the workman abandoned his job of his own by tendering resignation?

2. Whether the workman has fully and finally settled his dispute with the management? If so, to what effect?

3. If issues No. 1 and 2 are found against the management whether the termination of services of the workman was justified and in order?

And the case was fixed for the evidence of the management. It was at this stage that the dispute was settled. The parties agreed that "No dispute" award may be given. The management also filed photostat copy of vouchers witnessing payment of Rs. 258.05,—vide Annexure A and Rs. 400,—vide Annexure B. I, therefore, given my award that there is no dispute between the parties now.

Dated 15th October, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 994, dated 18th October, 1979.

Forwarded (four copies), to the Secretary to Government Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-3Lab.-79/13049.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Wegu Sondhi Pvt. Ltd., Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.

Reference Nos. 69 and 70 of 1979

between

SHRI POORAN SINGH AND MANWAR
SINGH, WORKMEN AND THE
MANAGEMENT OF M/S WEGU
SONDHI PVT. LTD., FARIDABAD.

Present:—

Workmen, in person.

Shri S. L. Gupta, for the manage-
ment.

AWARD

By order No. 8438, dated 26th February, 1979 and 8414, dated 26th February, 1979, the Governor of Haryana referred the following dispute between the management of M/s. Wegu Sondhi Pvt. Ltd., Faridabad, and its workmen Shri Pooran Singh and Manwar Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Manwar Singh, in reference No. 70 of 1979, and Shri Pooran Singh, in reference No. 69 of 1979 was justified and in order? If not, to what relief is he entitled?

On receipt of the order of references, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 4th July, 1979:—

1. Whether the workman lost his lien on the job by absenting himself?
2. Whether the termination of services of the workmen was justified and in order?
3. Relief?

But the dispute was settled.—vide a general settlement covering all the workmen, dated 5th October, 1979, according to which the management agreed to reinstate the workmen with continuity of service but treating their absence from 8th November, 1978, up to

the date of reporting for duty as leave without pay and without any back wages for the said period. The settlement further reads that the workmen shall withdraw their case before joining duty pending before the Industrial Tribunal. The settlement is heard into in the presence of Labour Officer-cum-Conciliation Officer Shri Amar Singh, Yadav and it is under section 12(3) of the Industrial Disputes Act. The settlement is just and fair. I, therefore, give my award in terms of the settlement that there is no dispute between the parties at present, but the management shall abide by the settlement and shall reinstate the workman treating their absence from 8th November, 1978, till the date of their reporting duty as leave without pay, with continuity of services but without back wages. This award shall govern both the references described above.

Dated 15th October, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 993, dated 18th October, 1979.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15

of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-3Lab.-79/13051.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Jindal Industries Ltd., Delhi Road, Model Town, Hissar.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 592 of 1978.

between

THE WORKMEN AND THE MANAGE-
MENT OF M/S. JINDAL INDUS-
TRIES LTD., DELHI ROAD, MODEL
TOWN, HISSAR.

Present:—

None, for the workmen.

Shri C. K. Agrawal, for the manage-
ment.

AWARD

By order No. ID/HSR/70-78/59696, dated 26th December, 1978, the Governor of Haryana, referred the following disputes between the management of M/s. Jindal Industries Ltd., Delhi Road, Model Town, Hissar, and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

1. Whether the workmen are entitled to grant of bonus for the year 1977? If so, with what details?
2. Whether the workmen should be supplied with uniforms? If so, with what details?
3. Whether the workmen should be supplied at the rate of 50 paise per *thali* of meal and 15 paise per cup of tea? If so, with what details?

On receipt of the order of reference, notices were issued to the parties. The parties appeared but on the last date of hearing neither the workmen appeared, nor his representative. The representative for the management stated that a settlement had taken place between their workmen and them and that no dispute award may be given. I, believe in the statement of the representative for the management. Moreover, non-appearance of the workman and his representative, confirms that the said settlement had taken place. I, therefore, give my award that there is no dispute between the parties.

Dated the 15th October, 1979.

NATHU RAM SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana, Faridabad.

No. 996, dated 18th October, 1979.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana, Faridabad.

No. 11(112)-3Lab.-79/13052.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Hissar Oil & General Mills, Delhi Road, Hissar:—

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 408 of 1978.

between

SHRI NARESH KUMAR SHARMA,
WORKMAN AND THE MANAGE-
MENT OF M/S HISSAR OIL &
GENERAL MILLS, DELHI ROAD
HISSAR.

Present:—

Shri Tek Chand, for the workman.

Shri Sumit Kumar, for the manage-
ment.

AWARD

By order No. ID/HSR/11-78/40869, dated 8th September, 1978, the Governor of Haryana, referred the following dispute between the management of M/s. Hissar Oil and General Mills, Delhi Road, Hissar and its workman Shri Naresh Kumar Sharma, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Naresh Kumar Sharma was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The

parties appeared. A settlement was arrived at between the parties. The workman agreed to the settlement. According to the settlement the workman agreed to be reinstated by the management with continuity of service and with payment of Rs. 1,000 only in addition to his earned wages. The management also agreed in view of maintaining cordial relations between the parties. Both prayed that award be given accordingly. I, therefore, give my award that the management shall reinstate the workman with continuity of service and shall pay to the workman a sum of Rs. 1,000 only on 15th November, 1979, or within a week thereafter.

Dated the 15th October, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. dated

Forwarded (four copies). to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 11(112)-3Lab.-79/13053.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s S. J. Knitting and Finishing Mills, Pvt. Ltd., Faridabad.
**BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.**

Reference No. 68 of 1977

between

**SHRI DUKHU RAM, WORKMAN AND
THE MANAGEMENT OF M/S S. J.
KNITTING AND FINISHING MILLS
PVT. LTD., FARIDABAD.**

Present:—

Shri R. N. Roy, for the workman.
Shri B. R. Grover, for the management.

AWARD

By order No. ID/FD/185-77/22393, dated 8th June, 1977, the Governor of Haryana referred the following dispute between the management of M/s. S. J. Knitting and Finishing Mills Pvt. Ltd., Faridabad and its workman Shri Dukhu Ram, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Dukhu Ram was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 1st December, 1977:—

1. Whether the name of the workman concerned was struck off the rolls for being absent for more than 10 days legally?
2. Whether the termination of services of Shri Dukhu Ram was justified and in order? If not, to what relief is he entitled?

And the case was fixed for the evidence of the management. The parties obtained several adjournments numbering about 12. Lastly a settlement was arrived at between the parties. According to which the workman agreed to give up his dispute if the management paid to him Rs. 2,000 only and the payment shall satisfy all the claims of the workman what-so-ever. The management agreed. The said sum was paid to the workman before the Tribunal. The workman also granted a separate receipt to the management for their account purposes. I accept the settlement and give my award that there is no dispute between the parties. The workman has already received a sum of Rs. 2,000 only and his dispute as well as all other claims stand satisfied.

Dated the 15th October, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 998, dated 18th October, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana, Faridabad.

No. 11(112)-3Lab.-79/13056.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Perfect Pack Ltd., Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 140 of 1978.

between

SHRI HAMBIR SINGH, WORKMAN
AND THE MANAGEMENT OF M/S
PERFECT PACK LTD., FARIDABAD.

Present:—

Shri R. L. Sharma, for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/17328, dated 4th May, 1978, the Governor of Haryana referred the following dispute between the management of M/s Perfect Pack Ltd., Faridabad, and its workman Shri Hambir Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Hambir Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 6th June, 1979:—

1. Whether the workman was on temporary basis? If so, to what effect?

2. Whether the termination of services of the workman was justified and in order?

3. Relief?

And the case was fixed for the evidence of the management. It was at this stage that the dispute was settled. According to which the management paid a sum of Rs. 200 to the representative for the workman and thereafter no dispute remained existing between the parties and the representative for the workman withdrew the dispute. I, therefore, give my award that there is no dispute between the parties.

Dated the 15th October, 1979.

NATHU RAM SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana, Faridabad.

No. 1006, dated 19th October, 1979.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana, Faridabad.

The 22nd November, 1979

No. 11(112)-3Lab-79/13689.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Bhartia Electric Steel Company Ltd., Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Application No. 1 of 1977 under section 33-A of the Industrial Disputes Act, 1947.

between

SHRI JANARDHAN, COMPLAINANT
AND THE MANAGEMENT OF M/S
BHARTIYA ELECTRIC STEEL COM-
PANY, LTD., FARIDABAD.

AWARD

The workman made this complaint under section 33-A of the Industrial Disputes Act. Notices of the complaint were sent to the management. The management appeared and filed written statement. The workman filed rejoinder. The following issues were framed on 22nd June, 1977:—

- (1) Whether the reference No. 185 of 1974 was pending on 28th December, 1976? If not, to what effect?
- (2) Whether the complainant is stopped from making this complaint by his conduct?
- (3) Whether the complainant was a signatory to the settlement of July, 1975, under section 18(1) of the Industrial Disputes Act? If so, to what effect?
- (4) Whether there has been a contravention of section 33(2)(b) of the Industrial Disputes Act by the management?

And the case was fixed for the evidence of the workman. The workman examined himself as WW-1 and closed his case. Then the case was fixed for the evidence of the management. The management examined Shri Hari Haran, their Assistant Works Manager as MW-1 and closed their case. Again the case was fixed for the evidence of the workman. The workman again examined himself as WW-1 and closed his case. Then the case was fixed for arguments. Arguments were heard. Thereafter the workman made an application for withdrawal of his case, dated 16th July, 1979 stating that the applicant should not in any way be placed at a disadvantage as he was unaware of the previous award and, therefore, pray for withdrawal of the complaint to enable him raise a fresh dispute against the management. He again made an application dated 15th October, 1979, for withdrawal of the complaint on the ground that the representative for the management had argued that there was no pendency of reference when this complaint was made and the workman did not know of the previous award.

I have gone through the application of the workman. The complaint under section 33-A can be treated as a reference and the award can be given therein. Section 33-A reads that where an employer contravenes the provisions of section 33 during the pendency of proceedings before the Tribunal, the aggrieved employee can make complaint under section 33-A. It is a legal and technical matter. If I decide the complaint, it shall operate as an award and then a fresh demand and a fresh reference thereon can be barred. And under section 33-A, the question of contravention of provisions of section 33-A arises. I am of the view that for some technical defect, the workman should not be put to suffer. It is well-settled law that when there is some technical defect, withdrawal can be permitted and ends of justice require that in such cases permission to withdrawal be granted. I therefore, grant permission to the workman to withdraw this complaint. However, he shall have a right to raise a fresh dispute as per law if he so likes. The complaint is, therefore, dismissed as having been withdrawn. No orders as to costs. The workman shall have right to raise a fresh dispute.

Dated the 29th October, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1042, dated 2nd November, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/13690.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial

Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Partap Steel Rolling Mills, Private Ltd., Sector-25, Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 187 of 1978

between

SHRI LAL CHAND, WORKMAN AND
THE MANAGEMENT OF M/S PARTAP
STEEL ROLLING MILLS, PVT. LTD.
(REFRATORIES DIVISION),
SECTOR-25, FARIDABAD.

Present:—

Shri P. K. De for the workman.

Shri K. P. Agrawal for the management.

AWARD

By order No. FD/48-78/30986, dated 5th July, 1978, the Governor of Haryana referred the following dispute between the management of M/s Partap Steel Rolling Mills, Pvt. Ltd. (Refractories Division), Sector-25, Faridabad and its workman Shri Lal Chand, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act:—

Whether the termination of services of Shri Lal Chand, was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 5th February, 1979:—

- (1) Whether the workman abandoned his job of his own?
- (2) Whether the termination of services of Shri Lal Chand, was justified and in order? If not, to what relief is he entitled?
- (3) Whether the reference is not covered under section 2(a) of the Industrial Disputes Act?
- (4) Whether the demand has been raised by the union of workmen?

And the case was fixed for the evidence of the management. The management examined their Senior Time Keeper Shri Baldev Raj Rahol, as MW-1 and closed their case. The workman examined himself as WW-1 and closed his case. Then the case was fixed for arguments. Arguments have been heard. Now I give my findings issuewise:—

ISSUE No. 1:

MW-1 stated that the workman remained absent from 8th October, 1977 to 29th October, 1977. He proved attendance cards and letters and telegrams sent to the workman by the management which are, Exhibit M-3, M-4 and M-5. He proved documents, Exhibit M-6 to M-9. The workman stated that he was an active trade unionist and he was raising the demands of the workmen and was also negotiating with the management. The workman had demanded wages for weekly holidays and he had demanded wages on 17th October, 1977 and the management checked him at the gates on 18th October, 1977. In cross-examination he could not give the name of the union. He also stated that General Secretary and Vice-President of the union were not elected. He was Pardhan of the union and Shri Sarju was the Treasurer. A telegram had been sent to his house by the management. He received it after it was redirected to him from his home.

Exhibit M-6 a letter, dated 19th October, 1977 is informing the workman that his name had been struck off. Exhibit M-5 is a copy of telegram bearing village address of the workman. It does not bear any date. Exhibit M-3 is a letter from the management to the workman at his village address asking him to report for duty within three days failing which he shall be deemed to have left the service of his own accord. By this letter the management asked the workman to resume duty on or before 25th October, 1977 failing which he shall be deemed to have left the service of the management. Exhibit M-2 is attendance card. In it the workman is marked absent from 18 to 20 (both inclusive) on 22, and from 24 to 26 (both inclusive) on 27-28-29-30 October, 1977.

days of his absence come to 10 working days and 12 consecutive days. Exhibit W-1 is a letter from the workman to the management, dated 5th November, 1977 asking the management to allow him to continue doing his duty. Exhibit M-1 is the appointment letter. Exhibit W-1 is copy of demand notice, dated 26th October, 1977. Exhibit W-2 is a telegram from the management to the workman, dated 28th October, 1977 asking the workman to resume duty by 29th October, 1977. Exhibit W-3 is a copy of letter of the workman to the management, dated 5th November, 1977.

The management has marked the workman absent up to 29th October, 1977 in the attendance card which remains in the custody of the management and the management has produced it. The telegram Exhibit W-2, dated 28th October, 1977, is also material as it is dated 28th October, 1977 and the workman has been asked to resume duty by 29th October, 1977. This telegram is addressed to village Gopia, Post Office Amila Bazar, district Azamgarh (U.P.). The telegram also takes some time in reaching the addressee. It was quite impossible for the workman to resume his duty on 29th October, 1977 after receipt of this telegram, Exhibit W-2, dated 28th October, 1977. Moreover, the management had informed the workman,—vide its letter, dated 22nd October, 1977, Exhibit M-3, which was sent by registered A.D., postal receipt whereof bears the date 24th October, 1977. This letter also could not reach the workman up to 25th October, 1977 and the management gave the workman only three days period to join his duty,—vide this letter, dated 22nd October, 1977, which was tendered to the post office for onward despatch to the workman on 24th October, 1977. This shows that the management was creating evidence in order to suit their case, in order to struck off the name of the workman. Neither Exhibit M-3, nor telegram Exhibit W-2 gave any period to the workman to join his duties. The demand notice of the workman is dated 26th October, 1977. In these circumstances

and in view of the evidence on the file, it cannot be held that the workman abandoned his job of his own. I, therefore, decide issue No. 1 against the management.

ISSUE No. 2:

The management has not proved any ground justifying the termination of services of the workman. The termination of services of the workman by the management is not justified, as there is no evidence at all in support of this issue. Neither there are pleadings in support of this issue. I, therefore, decide issue No. 2 against the management.

ISSUE No. 3:

When the workman did not abandon the job of his own, and the management has struck off the name of the workman and has terminated his services, the reference is well covered under section 2(a) of the Industrial Disputes Act. I, therefore, decide issue No. 3 against the management.

ISSUE No. 4:

The demand notice is by the workman and bears his thumb impression. It has been given through Comrade Mohan Lal, 2/21, Gopi Colony, Purana Faridabad. This does not prove that the demand has been raised by the union. The demand has been raised by the workman himself and the demand notice bears his thumb impression, although it is one through Comrade Mohan Lal. Comrade Mohan Lal has also not been described in the demand notice as holding some office of the trade union. Even if it would have been proved that Comrade Mohan Lal held some office of a trade union it did not convert the individual demand notice by the workman even given through a Comrade, into a demand raised by the union. I, therefore, decide issue No. 4 against the management. As a result of my findings on the issues, while answering the reference, I give my award that the termination of services of the workman Shri Lal Chand was neither justified nor in order. He is entitled to reinstatement with

continuity of service and with full back wages.

Dated the 24th October, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1097, dated 2nd November, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/13691.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Nibro Ltd., Delhi Road, Gurgaon:—

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 202 of 1977
between

SHRI RAKESH PAL, WORKMAN AND
THE MANAGEMENT OF M/S NIBRO
LIMITED, DELHI ROAD, GURGAON.

Present:—

Shri Darshan Singh, for the workman.

Shri R. N. Rai, for the management.

AWARD

By order No. ID/GG/290-77/47723, dated 8th November, 1977, the Governor of Haryana, referred the following dispute between the management of M/s Nibro Limited, Delhi Road, Gurgaon, and its workman, Shri Rakesh Pal, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-

section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Rakesh Pal, was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 20th January, 1978:—

- (1) Whether the workman raised the demand with the management properly? If not, to what effect?
- (2) Whether the termination of services of the workman concerned was justified and in order? If not, to what relief is he entitled?

And the case was fixed for the evidence of the workman. The workman examined himself as WW-1 on issue No. 1 and closed his case. Then the case was fixed for the evidence of the management. The management examined their Personnel Officer Shri J. C. Chopra, as MW-1. Thereafter the case was fixed for the evidence of the workman on issue No. 2. The workman examined himself on issue No. 2 as WW-1 and closed his case. Then the case was fixed for arguments. Arguments have been heard. Now, I give my findings issuewise:—

ISSUE No. 1:

The workman proved his demand notice, Exhibit W-1 and the report of the Conciliation Officer, Exhibit W-2. The management have not rebutted. The law is very clear on this point that if the workman has not raised the demand with the management directly, it is not fatal at all. I, therefore, decide issue No. 1 in favour of the workman.

ISSUE No. 2:

MW-1 stated that the workman was appointed as a probationer,—vide Exhibit M-1 and his services were terminated,—vide Exhibit M-2 after a year as the management did not need his services. He admitted that there was a strike in

the factory some three months back and all the workmen were on strike but he denied that the services of the workman were terminated for the reasons of his being on strike. He further stated that the workman had *gheraoed* the management and had burnt effigies. He further stated that they had not employed any other person in place of the workman. The management did not produce receipt register and vouchers in order to prove full and final payment to the workman. He denied that the workman was victimised for trade union activities. WW-1 stated that the management victimised him.

The management had charged the workman of an act of misconduct in order to hold an enquiry against the workman. The main contention of the management is that the workman was a probationer and after completion of one year they did not require his service and hence they terminated his services. Exhibit M-1 is appointment letter by which the workman was appointed as a probationer for six months. I do not find any document on the record or in the file by which the management extended the period of probation of the workman. Clause (b) of rule 3 of the certified standing orders provides a period of six months for probation but it can be extended by three months at a time at the discretion of the management. And the maximum period of probation shall in no case exceed one year. As the management did not extend the period of probation, the inference arises that his period of probation was not extended further and originally the workman was appointed on probation for six months only,—vide Exhibit M-1. Moreover the law on the subject is that the services of the workman cannot be terminated simpliciter on the expiry of his probationary period. Although the services of a probationer can be terminated when his work is found unsatisfactory. The management has not proved that the work of the workman was unsatisfactory. The evidence of the management has nowhere proved unsatisfactory work of the probationer. If the management did not

require his services on completion of one year's service the workman could be retrenched as per rules and law. To terminate the services of a probationer on completion of one year on the ground that his services were not required any longer, is not legal and justified. I therefore, decide issue No. 2 against the management.

In view of my findings on the issues, while answering the reference, I give my award that the termination of services of the workman was neither justified, nor in order. He is entitled to reinstatement with continuity of service and with full back wages, as the workman has remained unemployed throughout despite his efforts to secure a job.

Dated the 10th October, 1979

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. _____, dated the _____

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-3Lab-79/13692.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Dabriwala Steel and Rolling Co., Ltd., Sector 24, Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA,
FARIDABAD.

Reference Nos. 482, 483, 485, 486, 496, 497, 498, 543, 516 and 517 all of 1978

between

SARVSHRI NATHU, RAM LAL, RAM ASREY, RAM PAUL, RAJINDER PARSHAD, KALU RAM, KUMAR PAUL, ONKAR MAL, GANESH, IDRISH AND THE MANAGEMENT OF M/S. DABRIWALA STEEL AND ENGINEERING CO. LTD., (ROLLING MILL DIVISION) SECTOR-24, FARIDABAD.

Present:

Shri R. L. Sharma, for the workman.

Shri R. C. Sharma, for the management.

AWARD

This award shall dispose off reference number 482, 483, 485, 486, 496, 497, 498, 543, 516 and 517 all of 1978, which were referred to this Tribunal, for adjudication by the Governor of Haryana,—vide their letter No. ID/FD/II/47598, dated 20th October, 1978, ID/FD/II/98-78/47966, dated 23rd October, 1978, ID/FD/II/47632, dated 20th October, 1978, ID/FD/II/47634, dated 20th October, 1978, ID/FD/II/47972, dated 23rd October, 1978, ID/FD/II/47610, dated 20th October, 1978, ID/FD/II/108-78/47632, dated 20th October, 1978, ID/FD/II/48667, dated 26th October, 1978, ID/FD/II/48661, dated 26th October, 1978, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, as follows:—

- (1) Whether the termination of services of (List annexed as Annexure A) was justified and in order? If not, to what relief is he entitled?

On receipt of the order of references, notices were issued to the parties. The parties appeared and filed their pleadings. They were consolidated,—vide my order dated 17th January, 1979, as these references involves common question of law and facts. The following issues were framed on the pleadings of the parties on 8th March, 1979:—

- (1) Whether the claimant was a temporary workman on daily wages?

- (2) Whether the workman was retrenched in accordance with law?
- (3) Whether the factory has been closed? If so, to what effect?
- (4) Whether the workman was not entitled to lay off or retrenchment compensation?
- (5) Whether the termination of services of the workman was justified?
- (6) Relief.

On 13th June, 1979 the representative for the management produced the settlements arrived at between the parties. The representative for the workman wanted time to verify the same. It was ordered that if the representative for the workman did not admit the settlement he shall produce the workmen on 19th July, 1979. On 19th July, 1979 the representative for the workmen was again directed to produce the workmen. The case was again adjourned to 20th September, 1979. On the last date of hearing i.e. 25th October, 1979 neither the representative for the workmen appeared, nor any workman appeared. Details have been given in my order dated 25th October, 1979. Under the circumstances it was concluded that the disputes have been settled and the settlement was executed by the workmen. It is mentioned in the settlement that the workmen received their dues in full and final settlement, no dispute remained pending between the parties and that the disputes may be ended. Vide these settlements, the workman had authorised the management to produce the settlement before this Tribunal. The settlement further mentioned that the disputes may not be proceeded further and have been decided for good. I, therefore, give my award in terms of the settlement and there is no dispute between all the workmen in all the references and the management. Dated the 29th October, 1978.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 1045, dated the 2nd November, 1979.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

ANNEXURE-A

List—

1. Nathu.
2. Ram Lal.
3. Ram Asrey.
4. Ram Paul.
5. Rajinder Parshad.
6. Kalu Ram.
7. Kumar Paul.
8. Onkar Mal.
9. Ganesh.
10. Idrish.

No. 11(112)-3Lab.-79/13693.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Kalvinator of India Ltd., 28 New Industrial Town Faridabad.

BEFORE SHRI NATHU RAM SHARMA
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 248 of 1977

between

SHRI CHANDAN SINGH, WORKMAN
AND THE MANAGEMENT OF M/S.
KALVINATOR OF INDIA LTD., 28
NEW INDUSTRIAL TOWN FARIDA-
BAD.

Present :—

Shri S. R. Gupta, for the workman.
Shri Jaswant Singh, for the manage-
ment.

AWARD

By order No. ID/FD/466-77/52360, dated 26th December, 1977, the Governor of Haryana, referred the following dispute between the management of M/s.

Kalvinator of India Ltd. 28, New Industrial Town, Faridabad, and its workman Shri Chandan Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act:—

Whether the termination of services of Shri Chandan Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 27th May, 1978:—

1. Whether the workman abandoned his job of his own by absenting himself for more than 8 consecutive days?
2. Whether espousal by a substantial number of workmen was essential for the dispute?
3. Whether the demand notice was sent to the management and the Conciliation Officer simultaneously? If so, to what effect?
4. If issue No. 1 is not proved whether the termination of services of the workman concerned was justified and in order? If not, to what relief is he entitled?
5. Whether the dispute is not covered under section 2-A of the Industrial Disputes Act?

And the case was fixed for the evidence of the management. The management examined one Shri K. R. Dabra, their Head Time-keeper as MW-1. The management prayed that they be allowed to adduce evidence on issue No. 4 after decision of issue No. 1. The said prayer was not granted.—*vide* my order dated 17th March 1979 and the case was fixed for the evidence of the management on all the issues. Then the management applied for amendment of their written statement which was allowed subject to costs and the management filed the same and issues had to be framed. It

was at this stage that the workman settled his dispute and received a sum of Rs. 7000 only,—*vide* a bank cheque. The settlement was placed on the file. The applicant made an application to give award in terms of the settlement. There is a receipt Ex. MW-2 witnessing payment to the workman of Rs. 7000 only,—*vide* a bank cheque. The workman admitted that he be deemed to have left the services of the company of his own accord. The payment of Rs. 7000 only was in full and final settlement of all his claims existing, apprehended or might be arising in future and there shall remain no dispute and the dispute stands settled. The workman shall not claim reinstatement or re-employment at any time in future.

The workman has received a substantial sum of money and has settled his dispute. I accept the settlement and give my award in terms of the settlement which is Ex. MW-1. The workman has received a sum of Rs. 7000 only from the management and now there remains no dispute between the management and the workman. The workman shall be deemed to have left the services of his own. He is not entitled to any relief.
Dated the 26th October, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 1044, dated 2nd November, 1979.

Forwarded, (four copies), to the Secretary to Government Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 248 of 1977.
IN THE MATTER OF AN INDUSTRIAL
DISPUTE

between
SHRI CHANDAN SINGH,—*Applicant*.
versus

THE MANAGEMENT OF KELVINATOR OF INDIA LTD.,—*Respondent*.

Joint application on behalf of the workman and the management for giving award in terms of settlement.

The management and the workman concerned beg to submit as under:—

That both the parties arrived at an amicable settlement under Section 18(1) of the Industrial Disputes Act, 1947. A copy of the settlement is attached as an annexure 'A'. It is, therefore, prayed by the parties that the Honourable Presiding Officer may please give an award in terms of the enclosed settlement.

Sd/-

for and on behalf of the
management of Kelvina-
tor of India Limited.

Sd/-

Signed by Shri Chandan
Singh, the workman con-
cerned in person.

Faridabad.

Dated the 15th October, 1979 .

Receipt

Received a sum of Rs. 7000 (rupees seven thousand only).—*vide* cheque No. 704644, dated the 15th October, 1979 drawn on Oriental Bank of Commerce Limited, being the full and final settlement of my all claims as agreed to in accordance with the agreement dated the 15th October, 1979.

Dated the 15th October, 1979.

Sd/-

(CHANDAN SINGH).
15-10-79

Witnesses:

1. (Sd.).....
15-10-79.
2. (Sd.).....
15-10-79.

MEMORANDUM OF ESTABLISHMENT
(Under Section 18(1) of I.D. Act, 1947)

Name of parties :

1. Management of Kelvinator of India Limited, 28, N.I.T. Faridabad.

2. Shri Chandan Singh, son of Shri Ram Dayal, residence of village Jodhpur, P.O. Palwal, District Gurgaon, (Haryana).

Representing Management:

1. Shri K. Prasad, Assistant Personnel Manager.

Representing the workman:

1. Shri Chandan Singh, workman concerned in person.

SHORT RECITAL

Shri Chandan Singh was employed as a Security Guard, (Watchman), with effect from 24th November, 1971. He had remained absent from duty without any intimation with effect from 1st July, 1978, for more than 8 consecutive working days and his name stand removed from the rolls of the Company with effect from 14th July, 1978, in accordance with clause 8(g)II of the Certified Standing Orders of the Company on account of abandonment of employment. Thereafter, Shri Chandan Singh raised an Industrial Dispute which is pending for adjudication before the Industrial Tribunal, Haryana, Faridabad in reference No. 248 of 1977. Notwithstanding the pendency of the dispute, Shri Chandan Singh was approached the management for an amicable settlement. After detailed discussions, the parties have arrived at a settlement on the following terms and conditions:

TERMS OF SETTLEMENT

1. It is agreed that Shri Chandan Singh had remained absent from duty without permission with effect from 1st July, 1978 and the action of the management in dooming him to have left the services of the Company of his own accord in accordance with clause 8(g)II of the certified standing orders of the company, was valid and justified. Since Shri Chandan Singh has himself approached the management for amicable settlement, it is agreed that the abandonment of service stands converted into

voluntary retrenchment retrospectively effective from 14th July, 1979.

2. It is agreed that in view of voluntary retrenchment from the services of the Company, Shri Chandan Singh shall be paid a lump sum amount of Rs. 7000 (rupees seven thousand only), which includes notice pay, retrenchment compensation, bonus, wages in lieu of unavailed leave, unpaid wages, if any etc. Shri Chandan Singh accepted this amount in full and final settlement of all his claims, whether existing or apprehended or which might arise in future.
3. It is agreed that in view of the lump sum amount agreed to be paid by the management, Shri Chandan Singh will have no dispute or claim whatsoever, against the management, including claim for re-instatement, re-employment at any time in future.
4. It is further agreed by Shri Chandan Singh, that the industrial dispute before the Industrial Tribunal, Haryana, Faridabad in reference No. 248 of 1977 stands settled.
5. It is agreed that a copy of the settlement will be jointly forwarded to the Industrial Tribunal, Haryana, Faridabad with a request that the Hon'ble Presiding Officer may be pleased to give an award in terms of this settlement.
6. It is agreed that this agreement shall be settled within the meaning of section 2(p) of Industrial Disputes Act, 1947 and copies thereof shall be deemed to have been jointly sent to the followings :
 - (i) Secretary, Labour Dept.
Haryana Govt. Chandigarh.
 - (ii) Labour Commissioner,
Haryana, Chandigarh.

(iii) Labour-cum-Conciliation Officer, Faridabad.

Signed at Faridabad on this fifteenth day of October, 1979.

Sd/-

for and on behalf of the management of M/s. Kelvinator of India Ltd.

CHANDAN SINGH

15-10-79

Signature of the concerned workman Shri Chandan Singh in person.

Witnesses :

1. (Sd.)...,
15-10-79.
2. (Sd.)...,
15-10-79.
3. (Sd.)...,
15-10-79.

No. 11(112)-3Lab-79/13694.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Dabriwala Steel and Engineering Co., Ltd. (Rolling Mills) Division, Sector-24, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference Nos. 484, 494 and 495 of 1978
between

SARVSHRI JAGDISH PARSHAD,
BASANT LAL, SATYA DEV, WORK-
MEN AND THE MANAGEMENT OF
M/S DABRIWALA STEEL AND ENGI-
NEERING CO., LTD. (ROLLING MILL
DIVISION), SECTOR 24, FARIDABAD.

Present :—

Shri R. L. Sharma, for the workmen.
Shri Satish Ahuja, for the manage-
ment.

AWARD

This award shall dispose off refer-
ence Nos. 484, 494 and 495 all of 1978 which
were referred to this Tribunal, for ad-
judication, by the Governor of Haryana,—
vide their letter No. ID/FD/II/102-78,
dated 20th October, 1978, ID/FD/II/130-
78/48041, dated 23rd October, 1978 and

ID/FD/II/104-78/47996, dated 23rd
October, 1978 in exercise of the powers
conferred by clause (d) of sub-section (1)
of section 10 of the Industrial Disputes
Act, 1947 as follows :—

Whether the termination of services
of Sarvshri Jagdish Parshad,
Basant Lal, Satya Dev was
justified and in order ? If not,
to what relief are they entitled?

On receipt of the order of reference,
notices were issued to the parties. The
parties appeared. The workman filed
claim statement. It was fixed for filing
written statement by the management.
On the date fixed neither the workman
appeared, nor his representative. It was
a case of dismissal in default and so it
was dismissed. I, therefore, give my
award that there is no dispute between
the parties.

Dated the 29th October, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 1043, dated 2nd November, 1979.

Forwarded (four copies) to the Secre-
tary to Government, Haryana, Labour
and Employment Departments, Chandi-
garh, as required under section 15 of the
Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-3Lab-79/13872.—In pur-
suance of the provision of section 17 of
the Industrial Disputes Act, 1947 (Act
No. XIV of 1947), the Governor of
Haryana, is pleased to publish the follow-
ing award of the Presiding Officer, Labour
Court, Rohtak, in respect of the dispute
between the workmen and the manage-
ment of M/s Hindustan Rottary Indus-
tries, Modern Industrial Area, Bahadur-
garh.

BEFORE SHRI GURMESH PARKASH,
PRESIDING OFFICER,
LABOUR COURT, ROHTAK.

Reference No. 35 of 1976

between

SHRI BAIJ NATH, WORKMAN AND
THE MANAGEMENT OF HINDUSTAN
POTTERY INDUSTRIES, MODERN
INDUSTRIAL AREA, BAHADURGARH.

Present:—

Shri Dhan Singh, for the workman.

Shri S. K. Goswami, for the res-
pondent.

AWARD

This reference has been made over to me by the Hon'ble Governor of Haryana—*vide* his order No. ID/RTK/62F-75, dated 1st April, 1976, under section 10(1)(c) of the Industrial Disputes Act, for adjudication the dispute existing between the workman Shri Baij Nath and the management of M/s Hindustan Pottery Industries, Modern Industrial Area, Bahadurgarh. The terms of reference was whether the termination of service of Shri Baij Nath was justified and in order? If not, to what relief is he entitled?

After receiving the reference notices were sent to the workman as well as to the management and the workman appeared before this Court and filed the claim statement. The management also appeared before this Court and filed the written statement contradicting the allegations levelled against them in the claim statement. On the pleadings of the parties one preliminary issue was framed by my learned predecessor. The issue was as follows:—

Whether the enquiry held against the workman, has been proper and according to the principles of natural justice. If yes to what effect?

and the case was fixed for the evidence of the management and the management led their evidence in due course and today the case was fixed for the remaining evidence of the management. The workman Shri Baij Nath made an application before this Court that he has settled all his dispute with the management and he do now want to continue this reference. He has also stated in his application that

he do not want his reinstatement as he is already employed somewhere else and earning more. The representative of the workman has also made a similar statement before this Court.

I, thus relying on the statement of Shri Dhan Singh, representative of the workman and on the written application of the workman, held that the demand raised by the workman against the management to this reference has been duly satisfied and as such withdrawn, and there is now no dispute between the parties requiring adjudication. I answer the reference while returning the award in these terms.

Dated the 11th October, 1979.

GURMESH PARKASH,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 3895, dated 7th November, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

GURMESH PARKASH,
Presiding Officer,
Labour Court, Rohtak.

No. 11(12)-3Lab-79/13874.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s. Bhiwani Textile Mills, Bhiwani.

BEFORE SHRI GURMESH PARKASH,
PRESIDING OFFICER,
LABOUR COURT, ROHTAK
Reference No. 115 of 1978

between

SHRI REWAR MAL, WORKMAN AND
THE MANAGEMENT OF M/S BHIWANI
TEXTILE MILLS, BHIWANI

Present:—

Shri Sagar Ram Gupta, for the work-
man.

Shri Sham Lal, for the respondent-management.

AWARD

This reference has been made over to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/HSR/22-78, under section 10(1)(c) of the Industrial Disputes Act, for adjudication the dispute existing between Shri Rewal Mal, workman and the management of M/s Bhiwani Textile Mills, Bhiwani. The term of the reference was whether the termination of service of Shri Rewal Mal was justified and in order. If not, to what relief is he entitled?

On receiving this reference notices were issued to the parties. The workman appeared before this Court through Shri S. R. Gupta, authorised representative and filed the claim statement. The management also appeared through their authorised representative and filed the written statement. On the pleadings of the parties various issues were framed and on those issues the management led their evidence to prove their case.

Today the case was fixed for the evidence of the workman. Shri Sagar Ram Gupta, representative of the workman made a statement before this Court that he do not want to continue this reference and let this reference be decided against the workman. In these circumstances keeping in view, the statement of the representative of the workman I hereby give my award that the termination of service of Shri Rewal Mal, was justified and in order and he is not entitled for any relief.

Dated the 9th October, 1979.

GURMESH PARKASH,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 3893, dated 7th November, 1979.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

GURMESH PARKASH,
Presiding Officer,
Labour Court, Rohtak.

The 19th November, 1979

No. 11(112)-3Lab-79/13058.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Saraswati Absorbent Cotton Industries Private Ltd., Sector 25, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD
Reference No. 198 of 1979

between

SHRI HARI GOBIND MISHRA WORKMAN AND THE MANAGEMENT OF M/S SARASWATI ABSORBENT COTTON INDUSTRIES. PRIVATE LIMITED, SECTOR-25, FARIDABAD.

Present:—

Shri Sunehari Lal, for the workman.
None for the management.

AWARD

By order No. 34-79/31277, dated 9th July, 1979, the Governor of Haryana referred the following dispute between the management of M/s Saraswati Absorbent Cotton Industries, Private Limited, Sector-25, Faridabad and its workman Shri Hari Gobind Mishra, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Hari Gobind Mishra was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties, who appeared. The dispute was settled. The representative for the management filed settlement, Exhibit MW-1 and a copy of voucher, Exhibit MW-2. Exhibit MW-2 witnesses payment of Rs. 5,000 only to the workman against full and final settlement which sum includes wages, notice and leave pay. According to term number 2 of the settlement the workman agreed to withdraw his dispute and on payment of

the said sum of Rs. 5,000, no claim shall remain due from the management to the workman. The settlement is fair. I, therefore, give my award in terms of the settlement that there remains no dispute between the parties as the case has been withdrawn by the workman. The workman has also received a sum of Rs. 5,000 only from the management as agreed to Dated the 15th October, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 995, dated 18th October, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-3Lab-79/13058—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Mohan Spinning Mill, Circular Road Rohtak.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,

INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 148 of 1979
between

THE WORKMAN AND THE MANAGEMENT OF M/S MOHAN SPINNING MILL, CIRCULAR ROAD, ROHTAK.

Present:—

Ram Parkash, for the workmen.

Shri S. C. Jain, for the management.

AWARD

By order No ID/RTK/58/79/18, dated 6th May, 1979, the Governor of Haryana referred the following dispute between the management of M/s Mohan Spinning Mill, Circular

Road, Rohtak, and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether there should be any increase in the wages of the workmen? If so, with what details?

On receipt of the order of reference, notices were issued to the parties. On 3rd October, 1979, both the parties stated that a settlement has been arrived at. The case was fixed on 9th October, 1979 for filing settlement. On 9th October, 1979, none appeared. It was ordered that the case was dismissed in default.

The statement of the parties that settlement has been arrived at and non-appearance of the parties on the last date of hearing lead me to conclude that the dispute has been settled. I, therefore, give my award that there is no dispute between the parties.

Dated the 18th October, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 1002, dated 19th October, 1979.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-3Lab-79/13059.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Rajesh Engineering Company, NIT, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 72 of 1978

between

**SHRI RAMESH KUMAR, WORKMAN
AND THE MANAGEMENT OF M/S
RAJESH ENGINEERING COMPANY,
N.I.T., FARIDABAD.**

Present:—

Shri Bhim Singh Yadav, for the workman.

Shri H. R. Dua, for the management.
AWARD

By order No. ID/FD/54-78/9578, dated 3rd March, 1978, the Governor of Haryana referred the following dispute between the management of M/s Rajesh Engineering Company, N.I.T., Faridabad and its workman Shri Ramesh Kumar, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ramesh Kumar was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 19th September, 1978:—

- (1) Whether the workman was an employee of the management?
- (2) If issue No. 1 is proved, whether the termination of services of the workman was justified and in order? If not, to what relief is he entitled?

The dispute was settled. As per the settlement the management agreed to employ the workman afresh in case they recruited helper thereafter. The workman agreed. I, therefore, give my award in terms of the settlement that whenever the

management employs any workman hereafter, they shall first employ afresh the workman concerned.

Dated the 18th October, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1003, dated 19th October, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/13948.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Sagar Metal Industries, Railway Road, Jagadhri.

BEFORE SHRI GURMESH PARKASH,
PRESIDING OFFICER,
LABOUR COURT,
ROHTAK

Reference No. 55 of 1979

between

**SHRI BALDEV RAJ, WORKMAN AND
THE MANAGEMENT OF M/S SAGAR
METAL INDUSTRIES, RAILWAY
ROAD, JAGADHRI**

Present:—

Shri Baldev Raj, workman in person.

Shri Subhash Chander, for the respondent-management.

AWARD

This reference has been made over to this Labour Court by the Hon'ble Governor of Haryana,—vide his order No. ID/Ymn/22-79, under section 10(1)(c) of the Industrial Disputes Act, for adjudication the dispute existing between the workman Shri Baldev Raj and the management of M/s Sagar Metal Industries, Railway Road,

Jagadhri. The terms of reference was whether the termination of the service of Shri Baldev Raj was justified and in order? If not, to what relief he is entitled.

After receiving this reference notices were sent to the parties and the workman appeared before this Court through his authorised representative and filed a claim statement stating that he has been illegally terminated by the management on 23rd August, 1978. The management also appeared through their authorised representative and denied the allegations levelled against them in the claim statement and stated that the workman was on temporary job and he left the service after meeting an accident. The case was fixed for the rejoinder from the side of the workman when the workman appeared before this Court and made a statement on oath that he has settled all his dispute with the management and stated that he does not want to re-instatement in this concern and the management has agreed to pay him Rs. 300 in full and final settlement under this dispute. He stated before this Court his reference he decided against him and received Rs. 300 before this Court just there and then.

Keeping in view the circumstances of the case, I thus relying on the statement of the workman hold that the demand raised by the workman against the management to this reference has been duly satisfied and as such withdrawn. There is now no dispute requiring adjudication. I answer this reference while returning the award in these terms. Dated the 24th October, 1979.

GURMESH PARKASH,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 3945, dated 8th November, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

GURMESH PARKASH,
Presiding Officer,
Labour Court, Rohtak.

Dated the 24th October, 1979.

The 22nd November, 1979.

No. 11(112)-3Lab-79/13880.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947 the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s. Jai Bharat Spinner and Woollen Mills, Industrial Area, Panipat.

BEFORE SHRI GURMESH PARKASH, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 160 of 1978.

between

SHRI DHARAM PAL, WORKMAN AND THE MANAGEMENT OF M/S. JAI BHARAT SPINNERS & WOOLLEN MILLS, INDUSTRIAL AREA, PANIPAT.

Present :

No one for the workman.

Shri Surinder Kaushal, for the management.

AWARD

This reference has been made over to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/KNL/19-78, under section 10(1)(c) of the Industrial Disputes Act for adjudication the dispute existing between the workman Shri Dharam Pal and the management of M/s. Jai Bharat Spinners Woollen Mills, Industrial Area, Panipat. The terms of the reference was whether the termination of service of Shri Dharam Pal was justified and in order? If not to what relief he is entitled?

After receiving this reference notices were issued to both the parties and the workman appeared before this Court through his authorised representative who made the statement that the demand notice of the workman be treated as claim statement. The management also appeared before this Court through their authorised representative and filed a written statement denying all the allegations levelled against them. They alleged that the workman only worked for one day in February, 1978, and he worked on trial basis and his works was not satisfactory for that reason he was not called to work in their concern again.

On the pleadings of the parties following issues were framed by my learned predecessor :—

1. Whether the termination of services of the workman concerned was justified and in order?
2. Relief.

The case was fixed for the evidence of the management. The management examined Shri Kanwal Sain Gupta, partner of the management who deposed before this Court that the workman was employed only for one day on trial basis in this concern and he was asked not to come tomorrow. He produced Ex. M-1 the entry in their attendance register in which the workman was marked present only for one day. Then it was ordered that the workman should produce their evidence on which Mr. Karan Singh, representative of the workman made a statement that Shri Dharam Pal has got employment somewhere else and does not want to pursue his reference, and he closed his evidence and also withdrew himself from this reference. In these circumstances, I decide this reference issuewise as follow :—

ISSUE NO. 1:

The management has produced Ex. MM-1 Shri Kanwal Sain Gupta partner of the firm who has stated that the workman was employed on trial basis for only one day and he was not called on the next day. He also produced a true copy of their attendance register in which it is shown that the workman was present for only one day. This document is Ex. M-1. On the other hand the workman has produced nothing in support of his case. Above all his representative made statement that he does not want to pursue this reference. In these circumstances there is no reason to disbelieve the statement of the management and I hold that the termination of the service of the workman concerned was justified and in order. Hence I hold Issue No. 1 in favour of the management and against the workman.

ISSUE NO. 2:

As I have decided already issue No. 1 in favour of the management. Hence workman is not entitled to any relief.

In these circumstances I answer the reference that the termination of the service of the workman was justified and in order and he is not entitled to any further relief. I answer the reference while returning this award in these terms. Dated the 2nd November, 1979.

GURMESH PARKASH,
Presiding Officer,
Labour Court, Rohtak.

Andstl. No. 3933, dated the 8th November, 1979.

Forwarded (four copies) to the Secretary to Government, of Haryana, Labour and Employ-

ment Department, Chandigarh as required under Section 15 of the Industrial Disputes Act.

Dated the 2nd November, 1979.

GURMESH PARKASH,
Presiding Officer,
Labour Court, Rohtak.

No. 11(11)-JLab-17/19920. -In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. 14 of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Sudtrac Linkages Pvt. Ltd., Sector 6, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 396 of 1978.

between

SHRI BINDA BHAGAT, WORKMAN AND THE
MANAGEMENT OF M/S. SUDTRAC LINK-
AGES PRIVATE LIMITED, SECTOR-6,
FARIDABAD.

Present:—

Shri P. K. De, for the workman.

Shri R. N. Rai, for the management.

AWARD

By order No. 1D/ED/66-73/39849, dated 30th August, 1978 the Governor of Haryana referred the following dispute between the management of M/s. Sudtrac Linkages Private Limited, Sector 6, Faridabad and its workman Shri Binda Bhagat, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Binda Bhagat was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 5th March, 1979:—

- (1) Whether the workman lost lien on his job as per the Standing Orders?
- (2) Whether the termination of services of the workman was justified and in order?

(3) Is not, to what relief is he entitled ? And the case was fixed for the evidence of the management. The management examined Shri S. D. Goyal, their Production Engineer as MW-1 and closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself as WW-1 and closed his case. Then the case was fixed for arguments. At this stage negotiations for settlement took place. The representative for the workman was directed to produce the workman on 17th October, 1979 as the representative for the management had filed a settlement on 22nd September, 1979. On 17th October, 1979 neither the workman appeared, nor his representative. The representative for the management appeared. On the last date of hearing neither the workman appeared, nor his representative. Although the representative for the management appeared. He was heard. And the settlement was considered. The management have filed settlement Exhibit MW-1 and a photostat copy of voucher Exhibit MW-2. The workman has received a sum of Rs. 1011 from the management, vide receipt Exhibit MW-2 towards his full and final settlement Exhibit MW-1. The workman has been treated as resigned, vide his letter dated 7th September, 1979. A sum of Rs. 1,000 was paid to the workman as *ex-gratia* as a gesture of good will in view of his voluntary resignation in full and final settlement of all his claims and dues including his claim of reinstatement or re-employment. As per the settlement the dispute has been withdrawn. I, therefore, give my award in terms of the settlement that there is no dispute between the parties. The dispute has been settled and the workman has received a sum of Rs. 1,0011, vide Exhibit MW-2. The workman shall have no right of whatsoever kind and shall not be entitled to reinstatement or re-employment. Dated the 31st October, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

Endorsement No. 1073, dated the 9th November, 1979.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act.

Dated the 31st October, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-3Lab-79/13921.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Kobe Suspension Company, Sector 6, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 199 of 1979.

between

Shri NAND RAM, WORKMAN AND THE
MANAGEMENT OF M/S. KOBE SUSPEN-
SION COMPANY, SECTOR-6, FARIDABAD.

Present:

Workman in person.

Shri N. C. Sharma, for the management.

AWARD

By order No 35-7/31284, dated 9th July, 1979 the Governor of Haryana referred the following dispute between the management of M/s. Kobe Suspension Company, Sector-6, Faridabad and its workman Shri Nand Ram, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act.

Whether the termination of services of Shri Nand Ram was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. This dispute has been settled. The representative for the management filed a receipt of Rs. 360.33 signed by the workman in full and final settlement of all his dues and claims and to his full satisfaction and that the workman shall not raise any claim or dispute against the management at any time in future, nor he shall be entitled to reinstatement. The workman submitted resignation. I, therefore, give my award that the dispute has been settled and the workman has received a sum of Rs. 360.33 and there is no dispute between the parties. The workman is not entitled to any relief.

Dated the 31st October, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

Endorsement No. 1074, dated the 9th November, 1979.

Forwarded (four copies) to the Secretary to Government Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947. Dated the 31st October, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-3Lab-79/15337.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Tara Chand Mahesh Chand Flour & Oil Mills Faridabad. BEFORE SHRI NATHU RAM SHARMA PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD
Reference No. 106 of 1978.

Between

SHRI SUWA SINGH, WORKMAN AND THE
MANAGEMENT OF M/S. TARA CHAND
MAHESH CHAND FLOUR AND OIL MILLS,
FARIDABAD.

Present:—Shri R. L. Sharma, for the workman.
None, for the management.

AWARD

By order No. ID/17376 dated 4th May, 1978 the Governor of Haryana referred the following dispute between the management of M/s. Tara Chand Mahesh Chand Flour & Oil Mills Faridabad, and its workman Shri Suwa Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Suwa Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared but none appeared for the management on 8th August, 1979, hence the management was proceeded *ex-parte* and the case was fixed for *ex-parte* evidence of the workman. The workman examined himself as his own witness and stated that he was working with the management for the last one year at wage Rs. 325 p.m. and the management terminated his services without any reason and without disclosing to

him any reason. The workman was not served any chargesheet or warning. His work was satisfactory and he was unemployed since then. I, believe in the *ex-parte* statement of the workman and give my award that the termination of services of the workman was neither justified nor in order. He is entitled to reinstatement with continuity of service and with full back wages.

NATHU RAM SHARMA,
Presiding Officer, Industrial
Tribunal, Haryana, Faridabad.

No. 1000, dated the 19th October, 1979.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer, Industrial
Tribunal, Haryana, Faridabad.

The 23rd November, 1979.

No. 11(112)-3Lab-79/15130.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Managing Director, Haryana, Agro Industries, Co-op. Chandigarh.

BEFORE SHRI GURMESH PARKASH, PRE-
SIDING OFFICER, LABOUR COURT,
ROHTAK.

Reference No. 101 of 79.

Between

SHRI ZILE SINGH, WORKMAN AND THE
MANAGEMENT OF M/S. MANAGING
DIRECTOR, HARYANA AGRO INDUSTRIES
CORP., CHANDIGARH.

Present:—Shri Karan Singh for the workman
along with the workman.

Shri R. P. Aggarwal, for the respon-
dent management.

AWARD

This reference has been made over to me by the Hon'ble Governor of Haryana,—vide his order No. ID/Amb./4-79, under section 10(1) (c) of the Industrial Disputes Act for adjudication the dispute existing between the workman Shri

Zile Singh and the management. The Presiding Officer. He gave the reference to the management, Chandigarh. The terms of the reference was whether the termination of the service of Shri Zile Singh was justified and in order? If not, to what relief he is entitled?

After receiving the reference notices were sent to both the parties and both the parties appeared before this Court. The workman filed the statement of claim and it was ordered to the management to file the written statement on 27th August, 1979. On that date the management and the workman appeared before this Court and made a statement that they have settled their dispute under this reference, and according to the terms of settlement the workman will join the service, with effect from 1st September, 1979 on *ad hoc* basis as a fresh appointment at the post of clerk in the management and will not demand any payment for the intervening period. In these circumstances I thus relying on the statement of Shri Zile Singh, workman and Shri R. P. Aggarwal, representative of the management hold that the demand raised by the workman against the management to this reference has already been duly satisfied and as such withdrawn and there is now no dispute between the parties requiring adjudication. I answer this reference while returning the award in these terms.

Dated the 31st October, 1979.

GURMESH PRAKASHI

Presiding Officer,
Labour Court, Rohtak

Endorsement No. 3961, dated the 13th November, 1979.

Forwarded (four copies) to the Secretary to Government Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

GURMESH PRAKASHI,

Presiding Officer,
Labour Court, Rohtak.

The 22nd November, 1979.

No. 11(112)-3Lab-79/13875.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute

between the workman and the management of M/s. Vikas Industries Pvt. Ltd., Bahadurgarh.

BEFORE SHRI GURMESH PARKASHI,
PRESIDING OFFICER,
LABOUR COURT,
ROHTAK.

Reference No. 98 of 1977.

between

SHRI SATYA NARAIN, WORKMAN
AND THE MANAGEMENT OF M/S.
VIKAS AGRO INDUSTRIES PVT. LTD.,
BAHADURGARH.

Present:

Shri Rajinder Singh, for the workman.

No one for the respondent.

AWARD

This reference has been made over to me by the Hon'ble Governor of Haryana,—*vide* his order No. ID/RTK/262-77, dated 5th August, 1977 under section 10(1)(c) of the Industrial Disputes Act for adjudication the dispute existing between Shri Satya Narain, workman and the management of M/s. Vikas Agro Engineering Pvt. Ltd., Bahadurgarh. The terms of reference was whether the termination of services of Shri Satya Narain was justified and in order? If not, to what relief is he entitled?

After receiving the reference notices were sent to both the parties and the parties and the workman appeared and filed the claim statement. But the service of the notice could not be effected on the management because the workman could not supply the correct address of the management. For that reason at the end it was ordered by my learned predecessor that the publication should be made in Hindi Daily and the case was fixed for the attendance of the management. Today the representative of the workman made a statement before this Court on behalf of the workman that the workman do not want to continue this reference and let this reference be decided against him, for non-prosecution. I thus replying on the statement of Shri Rajinder Singh, the representative of the workman held that the demand raised by the workman against this management to this reference has been withdrawn and

there is now no dispute between the parties requiring adjudication I answer this reference while returning the award in these terms.

Dated the 12th October, 1979.

GURMESH PARKASH,

Presiding Officer,

Labour Court, Rohtak.

Endorsement No. 3892, dated the 7th November, 1979.

Forwarded (Four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

GURMESH PARKASH,

Presiding Officer,

Labour Court, Rohtak.

No. 11(112)-3Lab-79/13876.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s. Troks Pharmaceuticals Pvt. Ltd., Modern Industrial Estate, Bahadurgarh.

**BEFORE SHRI GURMESH PARKASH,
PRESIDING OFFICER,
LABOUR COURT,
ROHTAK.**

Reference No. 123 of 1979.

between

**RENE JAIN, WORKMAN AND THE
MANAGEMENT OF M/S. TROKS
PHARMACEUTICALS PVT. LTD.,
MODERN INDUSTRIAL ESTATE,
BAHADURGARH.**

Present:

Shri Rajinder Singh, for the workman.

Shri Gurnam Singh, for the respondent.

AWARD

This reference has been made over to me by the Hon'ble Governor of Haryana,—vide his order No. ID/RTK/82-79, dated 21st June, 1979 under section 10(1)(c) of the Industrial Disputes Act for adjudication the dispute existing between the workman Renu Jain and the management of M/s. Troks Pharmaceuticals Pvt.

Ltd., Modern Industrial Estate, Bahadurgarh. The terms of reference was whether the termination of service of Renu Jain was justified and in order? If not, to what relief is he entitled?

After receiving the reference notices were issued to the parties and both the parties appeared in due course. The workman filed his claim statement and the management filed the written statement and the case was fixed for the rejoinder, when both the parties appeared before this Court and made the statement that they have settled the dispute and stated that their settlement is as under:—

- (1) That the workman will join the duty in the concern of the management No. 1 on old terms and conditions. Her wages will be also the same which she was drawing previously.
- (2) Regarding her previous claim and relief, Rs. 200 in lump sum shall be paid to the workman within seven days from today, and in these circumstances the workman will not be entitled for any relief from the management uptill today. That means she has settled her claim fully and finally.
- (3) She will join the service within seven days from today.
- (4) Her reference pending before this Court will be decided according to the terms of settlement.

I, thus relying on the statement of Shri Rajinder Singh, representative of the workman and Gurnam Singh, representative of the management hold that the demand raised by the workman against the management to this reference has been dully satisfied and as such withdrawn and there is now no dispute between the parties requiring adjudication. I answer this reference while returning the award in these terms.

Dated the 12th October, 1979.

GURMESH PARKASH,

Presiding Officer,

Labour Court, Rohtak.

Endorsement No. 3891, dated 7th November, 1979.

Forwarded (four copies) to the Secretary to the Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

GURMESH PARKASH,
Presiding Officer,
Labour Court, Rohtak.

No. 11(112)-3Lab-79/13922.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s High Polymer, Sector 25, Ballabgarh.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 206 of 1979

between

**SHRI MUNI LAL, WORKMAN AND THE
MANAGEMENT OF M/S HIGH POLYMER,
SECTOR 25, BALLABGARH**

Present:

Nemo for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. FD/45-19/32402, dated 17th July, 1979 the Governor of Haryana referred the following dispute between the management of M/s High Polymer, Sector 25, Ballabgarh and its workman Shri Muni Lal, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Muni Lal was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference notices were issued to the parties. The parties appeared. On the last date of hearing none appeared for the workman. Although the representative for the management Shri Satish Ahuja appeared. He produced settlement Exhibit M-1. A co-worker of the workman concerned stated that the worker has gone away after receiving all his dues in full and final settlement.—vide settlement Exhibit

M-1. The settlement reads that the workman shall have no right of reinstatement or re-employment at any time in future and sum of Rs. 1,750 including payment of working days and bonus up to date is paid to the workman. I, therefore, give my award that there is no dispute between the parties. The workman is not entitled to reinstatement or re-employment. The workman was entitled to receive a sum of Rs. 1,750 only from the management as per the settlement which should be paid to him if not paid as yet.

Dated the 31st October, 1979.

NATHU RAM SHARMA
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 1072, dated the 9th November, 1979.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-3Lab-79/13923.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Brar Cloth Finishing and Printing Mills, Ballabgarh.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA
FARIDABAD

Reference No. 143 of 1977

between

**SHRI RIDHU SINGH, WORKMAN AND THE
MANAGEMENT OF M/S BRAR CLOTH
FINISHING AND PRINTING MILLS,
BALLABGARH**

Present:

Shri S. R. Gupta, for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/2052-A-77/39046, dated 7th September, 1977 the Governor of Haryana,

referred the following dispute between the management of M/s Brar Cloth Finishing and Printing Mills, Ballabgarh and its workman Shri Ridhu Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ridhu Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issue was framed on 10th March, 1978:—

(1) Whether the termination of services of Shri Ridhu Singh was justified and in order? If not, to what relief is he entitled?

And the case was fixed for the evidence of the management. The management produced Shri Umrao Singh Head Clerk, in the office of the Labour Officer, Ballabgarh as MW-1. He proved Ex. M-1. He stated in conciliation proceedings the management had stated that they had not terminated the services of the workman and the workman could report for duty on any day he liked; and they received no complaint from the workman thereafter. The management sent a letter to their office on 19th June, 1976, stating that the workman did not report for duty. The matter ended. He could not bring the whole of the file relating to the matter. He brought only summoned documents. He could not say whether the demand notice, dated 29th November, 1976 was received in their office or not. He proved demand notice Ex. W-1. At this the representative for the workman stated that he could further cross-examine this witness after he brought the whole of the file. The management was directed to summon the witness again. MW-2 Head Time-keeper of the management stated that the workman remained absent from 8th July, 1976 to 16th October, 1976 and thereafter his name was struck off. In cross-examine he stated that the register was maintained by the Time-keeper. But he had personal knowledge about the absence of the workman as he personally checked the attendance of the workman. He checked those workmen who were marked absent by going to the place of his work. He checked the absentees daily. He stated that the register brought by him pertained to this factory of the management. This register

had the name of M/s Sanjay Agency also on every 3rd page. The factory was running three shifts. On one of its pages the workmen of a shift were entered and marked. On the next to that page, the workmen of B shift were entered and marked, and thereafter the workman of Sanjay Agency were entered and marked in C shift. He denied that the register was prepared to suit their defence. The management proved their case and did not produce MW-1 for further cross-examination. The representative for the management stated that he shall not resubmit MW-1 for further cross-examination. Whatever documents required for examination-in-chief of MW-1, he had summoned and the witness was tendered for cross-examination. He further stated that the opposite party if wanted to further

cross-examine MW-1 (he could summon. Then the case was fixed for the evidence of the workman, who examined Shri Mahesh Narain, a workman as WW-1, who stated that the workman was working on machines number 15 and 16 and he was working just close to the said machine. The workman never caused any complaint regarding his work. He worked for four years on machines number 15 and 16. The management began to transfer the workman on other machine often to which the workman protested as his production suffered. He further stated that the management returned the workman from work several time. In cross-examination he stated that his looms also used to be changed. They had made complaint to the union that the management did not give work several times to the workman. The management transferred him from time to time on various pairs of machines. On these machines other workmen were also working. He did not bring the attendance card although it was with him. He denied a suggestion that he never worked in the factory of the management and he had deposed falsely. WW-2 the workman concerned stated that he was working on looms, for about four years in the factory of the management. He gave a demand notice Ex. M-1 and then the management took him back on duty. His services were again terminated. Then he gave demand notice Ex. W-1. He used to work on machines number 15 and 16, but the management transferred him from machine to machine very often and lastly they stopped him abruptly. He had protested against his transfer on other machine as he suffered less production. He never remained absent. In cross-examination he admitted that after demand notice Ex. M-1 the management

had agreed to reinstate him. Thereafter he worked for 20—25 days in the factory. He was illiterate. Ex. W-1 reads that his services had been terminated, with effect from 8th July, 1976. He stated that he had told the facts of the case to his representative Shri S. R. Gupta later on. He admitted that he might have told before the Conciliation Officer that his services were terminated on 8th July, 1976. He did not remember dates. He might have given wrong dates. He did not receive copy of conciliation proceedings. He admitted that he might have stated before the Conciliation Officer that the management transferred him from machine number 9, 10 to machine number 15, 16 and he might have stated before the Conciliation Officer that he worked on machine number 15 and 16 for a sufficient long time. He admitted that it was correct that he used to work on these looms on which he was sent to work by the management. The workman closed his case. Then the case was fixed for arguments. Arguments have been heard. A discussion of Ex. M-1 is out of place as the workman had been reinstated thereafter by agreement. The letter and proceedings of Conciliation Officer have not been exhibited, but the conciliation proceedings have been referred to in examination of witness. I cannot rely on the evidence of MW-1. He was not produced for further cross examination by the management. The workman remained absent for a pretty long period from 8th July, 1976 to 16th October, 1976 for about three months and eight days. It is in the admission of the workman that he worked on these machines on which he was sent to work by the management. WW-1 has also admitted that his looms also used to be checked. As far as complaint to the union is concerned, there is nothing on record to prove the complaint. Change of machines of the workman did not entitle him to be absent. MW-2 the Head Time-keeper has stated that he used to check the absentees and his personal knowledge also. He stated that the workman was absent for such

a long time. The demand notice is dated 29th November, 1976 reading that the services of the workman were terminated with effect from 8th July, 1976, which document is Ex. W-1. He issued demand notice after four months and 21 days of the termination of his services, which clearly establishes that the workman was absent from duty from 8th July, 1976 to 16th October, 1976. The management struck off the name of the workman after 16th October, 1976. Absence from duty on the part of the workman is proved from the fact that he did not raise the demand between the period from 8th July, 1976 to 16th October, 1976. I, therefore, decide that the management did not terminate the services of the workman concerned, rather the workman abandoned his job of his own by remaining absent from three months and eight days and lost his lien. While answering the reference, I give my award that the management did not terminate the services of the workman concerned. The workman himself abandoned his job of his own by remaining absent for three months and eight days and lost his lien. The workman is not entitled to any relief.

Dated, the 31st October, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 1075, dated 9th November, 1979.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

The 23rd October, 1979

No. 12(114)-79-1 Lab.—The following draft rules which the Governor of Haryana proposes to make in exercise at the powers conferred by sections 64 and 112 of the Factories Act, 1948 (Central Act 63 of 1948), are published as required by section 115 of the said Act, for the information of persons likely to be affected thereby.

Notice is hereby given that draft rules will be taken into consideration by the Government on or after the expiry of a period of three months from the date of publication of this notification in the official Gazette together with objections for suggestions, if any, which may be received by the Chief

Inspector of Factories, Haryana, Chandigarh, from any person in respect of the draft rules before the expiry of period so specified, namely :—

DRAFT RULES

1. *Short title, extent and commencement.*—(1) These rules may be called the Factories (Haryana) Exempting Rules, 1979.

(2) They shall extend to the whole of the State of Haryana.

(3) They shall come into force at once and shall remain in force for a period of five year from the date of their commencement.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) “Act” means the Factories Act, 1948;

(b) “Chief Inspector” means the Chief Inspector of Factories, Haryana; and

(c) “Manager” means the persons responsible to the occupier for the working of the factory for the purposes of the Act.

3. *Persons holding position of supervision or management.*—(1) The following persons in factories, other than sugar factories, shall be deemed to hold positions of supervision or management; provided they are not required to perform manual labour as a regular part of their duties:—

(i) Manager.

(ii) General Manager.

(iii) Factory Manager.

(iv) Deputy Manager.

(v) Deputy General Manager.

(vi) Assistant Manager.

(vii) Assistant Factory Manager.

(viii) Labour Welfare Officer.

(ix) Chief Welfare Officer.

(x) Assistant Welfare Officer.

(xi) Heads of Technical Departments.

(xii) Engineers.

(xiii) Assistant Engineers.

(xiv) Foreman.

(xv) Electrician Incharge.

(xvi) Secretary to the Managing Agent.

(xvii) Personal Assistant to the Managing Agent.

(xviii) Personal Assistant to the General Manager.

(xix) Overseers.

(xx) Supervisors.

(xxi) Paper-makers (Incharge of the Paper-making Section).

- (xxii) Head Store-keepers.
- (xxiii) Watch and Ward Officer.
- (xxiv) Security Officer.
- (xxv) Head Time-keeper or Time-keeper where there is no post of Head Time-keeper.
- (xxvi) Line Superintendent.
- (xxvii) Power House Superintendent.
- (xxviii) Assistant Foreman.
- (xxix) Meter Inspector.
- (xxx) Telephone Supervisors.
- (xxxi) Permanent Way Inspectors.
- (xxxii) Chargeman.
- (xxxiii) Medical Officer.
- (xxxiv) Legal Officer.
- (xxxv) Welfare Officer.
- (xxxvi) Chief Draftsman.
- (xxxvii) Head of Planning and Progress.
- (xxxviii) Inspectors.
- (xxxix) Laboratory Incharge.
- (xl) Technicians.
- (xli) Despatch Incharge.
- (xlii) Any other person employed solely in a supervisory capacity who, in the opinion of the State Government, holds a position of supervision or management and is so declared by it in writing.

(2) The following persons shall be deemed to hold positions of supervision or management in sugar factories. :—

- (i) General Manager.
- (ii) Deputy General Manager.
- (iii) Manager.
- (iv) Cane Manager.
- (v) Deputy Cane Manager.
- (vi) Cane Superintendent, where there is no Cane Manager.
- (vii) Chief Chemist.
- (viii) Labour Welfare Officer.
- (ix) Chief Engineer.
- (x) Secretary to the Managing Agent.
- (xi) Personal Assistant to General Manager.
- (xii) Cane Development Officer.
- (xiii) Secretary.
- (xiv) Deputy Secretary.
- (xv) Foreman.
- (xvi) Workshop Incharge.

- (xvii) Electrical Foreman.
- (xviii) Store purchase Officer/Head Store-keeper.
- (xix) Deputy Chief Chemist.
- (xx) Deputy Chief Engineer.
- (xxi) Electrical Engineer.
- (xxii) Chemist
- (xxiii) Laboratory Incharge.
- (xxiv) Labour Superintendent.
- (xxv) Labour Officer.
- (xxvi) Legal Officer.
- (xxvii) Watch and Ward Officer/Incharge, Watch and Ward.
- (xxviii) Medical Officer.
- (xxix) General Secretary.
- (xxx) Head Electrician.
- (xxxi) Assistant Engineer/Shift Engineer.
- (xxxii) Overseer Incharge.
- (xxxiii) Transport Inspector Incharge.
- (xxxiv) Assistant Manager.
- (xxxv) Security Officer.
- (xxxvi) Manufacturing Chemist.
- (xxxvii) Supervisors.
- (xxxviii) Civil Engineers.
- (xxxix) Inspectors.
- (xl) Cane Officer Incharge.
- (xli) Time Keeper.
- (xlii) Any person, who in the opinion of the State Government, holds a position of supervision or management and is so declared by it in writing.

4. *Persons employed in confidential positions.*—The following persons shall be deemed to hold confidential position in a factory :—

- (i) Stenographer attached to the Head of Department.
- (ii) Office Superintendent.
- (iii) Head Clerk where there is no Office Superintendent.
- (iv) Head Munim where there is no Office Superintendent or Head Clerk.
- (v) Head Accountant or Accountant where there is no Head Accountant.
- (vi) Head Time-keeper or Time-keeper where there is no Head Time-keeper.
- (vii) Cashier.
- (viii) Any other person who, in the opinion of the State Government, holds a confidential position and is so declared by it in writing.

5. *Maintenance and exhibition of list of persons holding confidential position, or position of supervision or management.*—A list showing the names and designations of all persons employed in the factory to whom the provisions of sub-section (1) of section 64 have been applied shall be maintained and exhibited at a conspicuous place in the premises of each factory.

6. *Exemption of certain adult workers.*—Adult workers engaged in factories specified in column 2 of the Schedule given below on the work specified in column 3 thereof shall be exempted from the provisions of the sections specified in column 4 of the said Schedule subject to the conditions, if any, specified in column 5 thereof and a notice to this effect showing the names of the workers to be employed

at a conspicuous place in the factory and a copy thereof shall be sent to the Inspector and the Chief Inspector :—

SCHEDULE

1	2	3	4	5
Section of the Act empowering the grant of exemption	Class of Factories	Nature of work on which employed	Extent of exemption	Conditions
62(2) (a) and 64(3)	All factories	<p>Workers engaged in urgent repairs. The following shall be considered to be of urgent repairs :—</p> <p>(a) repairs to any part of the machinery, plant or structure of factory which are of such a nature that delay in their execution would involve danger to human life or safety or the stoppage of manufacturing process</p> <p>Explanation, periodical cleaning is not included in the term "examining" or in the term "repairing"</p> <p>(b) break-down repairs to motive power, transmission, or other essential plant of factories, collieries, railways, tramways, motor transport, gas, electrical generating</p>	Sections 51, 52, 54, 55, 56 and 61	<p>(i) No. worker shall be employed for more than 15 hours on any one day of 39 hours during any three consecutive days or 70 hours during each period of seven consecutive days commencing from his first employment on urgent repairs.</p> <p>(ii) Within twenty four hours of the commencement of the work notice shall be sent to the Inspector describing the nature of the urgent repairs, the names of persons employed and the exact time of commencement of work and the probable period required for its completion.</p> <p>(iii) Exemption from the provisions of section 54 of the Act shall apply only in the case of male adult works.</p> <p>(iv) No worker shall be employed for more than 14 consecutive days without a rest period of 24 hours.</p>

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		and transmission pumping carried out in engineering work and foundries which are necessary to enable such concerns to maintain their main manufacturing process, production or service during normal working hours or according to Schedule;		
5 4(2) (b) and	All factories	(c) repairs in connection with a change of motive power, for example, from steam to electricity or vice versa, when such work cannot possibly be done without stoppage of the normal manufacturing process.		
		Workers engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory :—		
		(i) work in the Boiler House, Engine Rooms, Mechanic shops, the smithy or the foundry or furnaces of rolling mills or in connection with the mill gearing the electric driving or lighting apparatus, the mechanical or electrical lifts or the steam or water or pumps of a pipes factory.	Section 51.54, 55.56 and 61	(a) In case of exemption from section 51 and 54, no worker shall work for more than 10 hours per day or 60 hours per week.
		(ii) work of examination carrying out minor repairs of any machinery or other part of the plant.	Section 51.54 55,56 and 61	(b) In case of exemption from section 55 rest for half-an-hour shall be given for meals to each worker during the first six hours of his work. (c) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.
				(a) In case of exemption from section 51 and 54, no worker shall work for more than 10 hours per day or 60 hours per week.

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				(b) In case of exemption from section 55, rest for half an-hour shall be given for meals to each worker during the first six hours of his work.
				(c) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.
	(iii) work of preparation of pay rolls.	Section 51, 54, and 56		(a) In case of exemption from section 51 and 54, no worker shall work for more than 10 hours per day or 60 hours per week.
				(b) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.
64 (2) 64 (3)	(c) All Factories	Workers engaged in work which is necessarily so intermittent that the intervals during which they do not work while on duty or ordinarily amount to more than the intervals for rest required by or under section 55 :—		
	(i) work performed by drivers on lighting, ventilating and humidifying apparatus;	Section 51, 54, 55, 56 and 61		(a) In case of exemption from section 51 and 54 no worker shall work for more than 10 hours per day or 60 hours per week.
	(ii) fire pump men.			
	(iii) work men engaged in loading or unloading or transporting raw-materials or finished articles in factories where such work is of intermittent nature.			(b) In case of exemption from section

1	2	3	4	5
				55, rest for half-an-hour shall be given for meals to each worker during the first six hours of his work.
				(c) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.
64(2) (d) and 64(3)	All Factories	Workers engaged in any work which for technical reasons must be carried on continuously	Sections 51, 52, 54, 55, 56 and 61	<p>(a) In case of exemption from sections 51 and 54 no worker shall work for more than 10 hours per day or 60 hours per week</p> <p>(b) In case of exemption from section 55, rest for half-an-hour shall be given for meals to each worker during the first six hours of his work</p> <p>(c) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day</p> <p>(d) In case of exemption from section 52, the worker shall get 24 hours rest by rotation after 6 days work in manner laid down in section 52 of the Act</p> <p>(e) No worker shall be employed on two consecutive 8 hours shifts for more than once in any period of 3 days</p> <p>(f) The next shift of the shift workers employed on two consecutive 8 hours shall not commence before a period of 8 hours has elapsed</p> <p>(g) Exemption from the provision of section 61 of the Act will apply in so far as it relates to the specifications of the period of rest intervals in the notice of periods of work and weekly off day.</p>

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64 (2) (e) and 64 (e)	Factories manufactu- ring articles of prime necessity	Workers engaged in making or supplying arti- cles of prime necessity which must be made or supplied every day	Section 52	In case of exemption from section 52 where the work is of conti- nuous nature the worker shall get 24 hours rest by rota- tion after six days work in the manner laid down in section 52 of the Act.
64 (2) (f)	Seasonal factories	Workers engaged in a manufactu- ring process which cannot be carried on except during fixed seasons	Section 52	In case of exemption from section 52 where the work is of continuous nature the worker shall get 24 hours rest by rota- tion after 6 days in the manner laid down in section 52 of the Act.
64 (2) (g)	Rice mills	Worker engaged in a manufactu- ring process which cannot be carried on except at times dependent on the regular action of natural forces (work of Boiling drying, lifting and storing of paddy in rice mills)	Sections 52, 55 and 61	<p>(a) In case of exemption from section 52 where the work is of continuous nature the worker shall get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the Act.</p> <p>(b) In case of exemption from section 55, rest for half-an-hour shall be given for meals to each worker during the first 6 hours of his work.</p> <p>(c) Exemption from the provisions of section 61 of the Act will apply in so far as it relates to the speci- fications of the periods of rest intervals in the notice of periods of work and weekly off-day.</p>
64 (2) (h)	All factories	Workers engaged in engine-rooms or boiler- houses or in attending to power-plant or transmission machinery	Section 52	In case of exemption from section 52 where the work is of continuous nature the worker shall get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the Act.

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64 (2) (i)	Factories where printing of newspapers is carried on	Workers engaged in the printing of newspapers who are held up on account of the break-down of machinery	Sections 52, 54 and 56	<p>(a) In case of exemption from section 52 where the work is of continuous nature, the worker shall get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the Act.</p> <p>(b) In case of exemption from section 54, no worker shall work for more than 10 hours per day or 60 hours per week.</p> <p>(c) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.</p>
64 (2) (j) and 64 (3)	All factories	Workers engaged in the loading or unloading of railway wagons, goods, vehicles, Lorries or trucks.	Sections 51, 52, 54, 55, 56 and 61	<p>(a) In case of exemption from section 51 and 54, no worker shall work for more than 16 hours per day or 60 hours per week.</p> <p>(b) In case of exemption from section 52, where the work is of continuous nature the worker shall get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the Act.</p> <p>(c) In case of exemption from section 55, rest for half-an-hour shall be given for meals to each worker during the first six hours of his work.</p> <p>(d) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.</p> <p>(e) Exemption from the provisions of section 61 of the Act will apply in so far as it relates to the specifications of the periods of rest intervals in the notice of periods of work and weekly off day.</p>